

REPORT

Of the Committee on the Public Lands, in the case of Elisha Wade and of John Salady.

JANUARY 7, 1824.

Read, and ordered to lie on the table.

The Committee on the Public Lands, to whom was referred the petitions of George Salady and Elisha Wade,

REPORT :

The petitioners state that they purchased each a tract of land, from the United States, within the state of Ohio, and for which they severally paid to the government the whole amount of the purchase money, according to the quantity estimated, by the public surveys, to be contained in the several tracts by them purchased. On a re-survey of the tract purchased by George Salady, it was found to contain, instead of the quantity of 434 acres and one tenth, and for which he had paid, only 370 acres and ninety-six hundredths, leaving a deficiency of about 64 acres. The tract purchased by Elisha Wade, for 516 acres and seventeen hundredths, and for which he paid, he alleges contains, as appears from a re-survey, only 452 acres and nineteen hundredths, leaving a deficiency of about 64 acres in the quantity paid for by him. The petition of Salady is accompanied by the certificate of one William Kendall, a surveyor, of Scioto county, in the state of Ohio, and other testimony, fully establishing all the material allegations of the petition. The petition of Elisha Wade has no evidence in its support. In the view, however, which the committee have taken of the subject-matter submitted to them by these petitions, an examination into the nature or weight of the evidence has not been deemed at all necessary. On the contrary, they believe, if every fact stated in the petitions were supported by the most unquestionable evidence, it would be inexpedient and improper to grant the relief prayed for, or any other relief, to the petitioners. It is sometimes to be regretted, that a rigid adherence to general rules and principles forbids an interposition in favor of individuals who have some equity and apparently some justice in their claims. No sub-

ject in relation to the public lands ought to be approached with more caution, and would have a more dangerous tendency, than the admission that the government is bound to guaranty, in all cases, the accuracy of the public surveys, and to refund the money paid, where any deficiency occurred. The train of evils, frauds, and perjuries, which must ensue such an admission, are incalculable in their extent. If, in the operation of the general rule, that forbids any inquiry either on the part of the government, or of individuals, for the purpose of demanding payment for the excess of quantity, or a restitution for the deficiency, cases of individual hardship exists, they may be regretted, but no remedy can with safety be applied. Independently of any general reasoning on this subject, Congress, apparently anticipating the difficulties which might arise from the inaccuracy of the surveys, and to prepare individuals, where they thought proper to do so, to guard against errors, or meet the consequences of that negligence, passed the law of the 11th of February, 1805, which, in the opinion of your committee, exonerates the government from all responsibility for such errors. Your committee find that this subject has been acted on by the Committee on the Public Lands, and a report thereon made on the 19th of February, 1822, on the petition of the inhabitants of the eastern section of range No. 15, and township No. 2, in the Canton district, in the state of Ohio. With the conclusion of the committee in that case, founded on the act of the 11th of February, 1805, and the general impolicy of any interference on the part of the government in such cases, this committee unhesitatingly concur. They, therefore, recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioners be not granted.